

Dated: April 9, 2020

The following is ORDERED:



Sarah A Hall
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA**

In re:)	
)	
MELODY NAKINA LEWIS,)	Case No. 18-14388-SAH
)	Chapter 7
Debtor.)	
_____)	
)	
IAN'S ENTERPRISE, LLC ,)	
an Oklahoma limited liability company,)	
)	
Plaintiff,)	
v.)	Adv. Pro. 19-01007-SAH
)	
MELODY NAKINA LEWIS,)	
)	
Defendant.)	

JUDGMENT

Pursuant to the (I) oral ruling of the Court on January 23, 2020,¹ (ii) the Order Granting

¹Trial in this adversary proceeding commenced on January 23, 2020, and after the stipulated facts from the Final Pretrial Order filed on January 10, 2020 [Doc. 23], were read into the record by the Court, counsel for defendant Melody Nakina Lewis ("defendant Lewis") advised the Court that he did not agree with all of the Stipulations notwithstanding having reviewed,

(continued...)

B 20-021

Amended Application for Award of Attorney Fees, Notice of Opportunity for Hearing and Notice of Hearing² [Doc. 31], entered on March 15, 2020 (the "Fee Order"), and (iii) the Notice of Default and Request for Default Judgment³ [Doc. 37] (the "Default Notice"), filed by plaintiff Ian's, this Court enters its judgment in favor of plaintiff Ian's and against defendant Lewis in the amount of \$31,076.87, plus pre-judgment and post-judgment interest, for attorney's fees of \$2,980.00 and for costs of \$369.91, all of which are excepted from defendant Lewis' discharge pursuant to 11 U.S.C. § 523(a)(2)(A), (a)(2)(B) and (a)(6).

IT IS SO ORDERED.

#

¹(...continued)

agreed to and signed the Final Pretrial Order. Because the Stipulations in the Final Pretrial Order confess essential elements of the claims of Ian Enterprises, LLC ("plaintiff Ian's") against defendant Lewis, the Court concluded, for the reasons stated on the record, that, under the manifest injustice standard, amendment of the Final Pretrial Order should be allowed. However, as the amendment of the Stipulations would materially change plaintiff Ian's burden of proof at trial, the Court continued the trial, directed the filing of an Amended Final Pretrial Order, and permitted counsel for plaintiff Ian's to file an application for attorney's fees and costs incurred between January 10, 2020, and January 23, 2020, in preparation of trial in order to compensate plaintiff Ian's for the economic harm caused by defendant Lewis' mistake in signing the Final Pretrial Order with Stipulations to which he did not agree and failure to advise the Court and plaintiff Ian's until after trial had commenced.

²The Fee Order awarded plaintiff Ian's \$5,653.00 in attorney's fees, directed counsel for defendant Lewis to pay such amount to counsel for plaintiff Ian's on or before April 6, 2020, and further directed that failure to remit payment of such amount to counsel for plaintiff Ian's by April 6, 2020, would result in entry of judgment in favor plaintiff Ian's and against defendant Lewis on plaintiff Ian's complaint filed on January 18, 2019.

³The Default Notice advises that counsel for plaintiff Ian's has not received payment in accordance with the Fee Order as of April 8, 2020.

B

20-021